

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

**TONYA C. GLASS**

**Plaintiff**

**v.**

**ENERGY FOCUS, INC.**

**Defendant**

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**Civil Case No.** \_\_\_\_\_

**JUDGE** \_\_\_\_\_

***Defendant's Notice of Removal of a Civil  
Action to the United States District Court***

**TO: THE HONORABLE JUDGES OF THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OHIO, EASTERN DIVISION**

Pursuant to 28 U.S.C. §§ 1331, 1367, 1441, and 1446, Defendant Energy Focus, Inc. seeks removal of this action and states as follows:

1. On April 9, 2021, Plaintiff commenced a civil action against Defendant in the Cuyahoga County Court of Common Pleas Civil Division, Case No. CV-21-946132. A true and correct copy of the Summons and Complaint served upon Defendant are attached as Exhibit 1.

2. On April 15, 2021, Defendant service of process of the original Summons and Complaint via Certified Mail delivery was completed. A true and correct copy of the Cuyahoga County Clerk of Court's Docket showing service upon Defendant on April 25, 2021 is attached as Exhibit 2.

3. Count Three of Plaintiff's Complaint includes a claim alleging that Defendant discriminated against Plaintiff in violation of 42 U.S.C. §1981. Said claim also requests costs of the litigation and attorney fees pursuant to 42 U.S.C. §1981 and 42 U.S.C. §1988. *See* Exhibit 1, Pg. 8, Paragraphs 37 - 47.

4. This Court has original jurisdiction over the federal claim in this civil action pursuant to 28 U.S.C. § 1331 (i.e., §1983 and §1985(3) claims) and supplemental jurisdiction over the remaining claims pursuant to 28 U.S.C. § 1367. Accordingly, Plaintiff's Complaint is properly removable to this Court pursuant to 28 U.S.C. § 1441(a).

5. This Notice of Removal is timely filed pursuant to 28 U.S.C. § 1446(b) in that it is filed within thirty (30) days of Defendant receipt of the Summons and Complaint on April 15, 2021.

6. Defendant is filing a Notice of Filing Notice of Removal in the Cuyahoga County Court of Common Pleas Civil Division contemporaneously with the filing of this Notice of Removal, as required by 28 U.S.C. § 1446(d). A true and correct copy of Defendants' Notice of Filing Notice of Removal is attached hereto as Exhibit 3 (not including its exhibit).

7. Defendants will provide prompt written notice to Plaintiff that Defendant has filed this Notice of Removal in accordance with 28 U.S.C. § 1446(d).

Defendant respectfully requests that this Notice effect removal of the above-captioned case from the Cuyahoga County Court of Common Pleas Civil Division to this Court.

Respectfully submitted,

**ZASHIN & RICH CO., L.P.A.**

*s/ Scott Coghlan*

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*Attorneys for Defendants*

**CERTIFICATE OF SERVICE**

I certify that on May 13, 2021 a copy of the foregoing document was filed with the Court's electronic filing system and will be served upon all parties via the Court's electronic filing system. In addition, I also certify that I caused the foregoing document to be served via email on May 13, 2021 on the following:

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